

Colbert, Ella

From: Boundy, David [dboundy@willkie.com]
Sent: Thursday, October 27, 2005 8:27 AM
To: Colbert, Ella
Subject: 09/370,619

Dear Examiner Colbert:

Thank you for your voice mail of yesterday morning. Here is a more formal response. Please print this email and make it of record in the file.

Please do what is normally done in such cases. Alternative elections were set forth in my response of August 15, 2005, and for your convenience, are set forth below. Choose from among the elections, in the order stated, the election that you believe is authorized and required by the rules. State your reasons for making your restriction final (including a showing that your restriction requirement, and your choice of election, fully complies with the provisions of MPEP § 803.01 and MPEP § 803 cited in my paper of August 15 and the arguments of my earlier papers). Then examine the claims that are within the election.

Thus, your paper will have two sections: a showing that whatever restriction you impose is authorized by the rules and is final, and a normal examination on the merits.

Also please identify the person with whom you consulted in reaching your conclusion.

Thank you.

IV. Election

Applicant elects all claims, as set forth in §§ I and II, above.

In a first alternative election, Applicant elects with traverse one of the groups proposed in November 2004, as modified by "express admissions" that certain claims are obvious with respect to each other. That group includes claims 186-263 and 299-302.

In a second alternative, Applicant elects Group II as proposed in August 2005, claims 187-251, 299 and 300, plus claim 186.

In a third alternative, Applicant elects Group II as proposed in August 2005, claims 187-251, 299 and 300, with traverse.

Respectfully submitted,

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